

## § 75.5

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special nuclear material in an IAEA material balance area.

*Key measurement point* means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.

*Location* means any geographical point or area identified by the United States in its declarations, or by the IAEA resulting from a question, under the Additional Protocol.

*Managed access* means procedures to protect sensitive or classified information or, to meet safety or physical protection requirements, while allowing the IAEA to accomplish the purpose of a complementary access request.

*Nuclear fuel cycle-related manufacturing and construction* means those activities related to the manufacture or construction of any of the following: Components for separating the isotopes of uranium or enriching uranium in the isotope 235, zirconium tubes, heavy water or deuterium, nuclear-grade graphite, irradiated fuel casks and canisters, reactor control rods, criticality safe tanks and vessels, irradiated fuel element chopping machines, and hot cells.

*Nuclear fuel cycle-related research and development* means those activities specifically related to any process or system development aspect of any of the following: Conversion of nuclear material; enrichment of nuclear material; nuclear fuel fabrication; reactors; critical facilities; reprocessing of nuclear fuel; and processing of intermediate or high-level waste containing plutonium, high-enriched uranium, or uranium-233.

*Nuclear material* means any source material or any special nuclear material.

*Safeguards Agreement* means the Agreement Between the United States and the IAEA for the Application of Safeguards in the United States, and all protocols and subsidiary arrangements to the agreement.

*Subsidiary Arrangement* means a document, negotiated between the U.S. and the IAEA, that formally defines the

technical and administrative procedures to implement the measures contained in the Safeguards Agreement.

*Surveillance* (with respect to IAEA Safeguards) means instrumental or human observation aimed at detecting the movement of nuclear material.

*Transitional Facility Attachment* means that portion of the “Transitional Subsidiary Arrangements to the Protocol to the Safeguards Agreement” that pertains to a particular facility that has been identified under the Initial Protocol.

[45 FR 50711, July 13, 1980, as amended at 46 FR 58283, Dec. 1, 1981; 53 FR 31683, Aug. 19, 1988; 57 FR 18393, Apr. 30, 1992; 57 FR 33432, July 29, 1992; 63 FR 26963, May 15, 1998; 66 FR 55816, Nov. 2, 2001; 73 FR 78608, Dec. 23, 2008]

### § 75.5 Interpretations.

Except as authorized specifically by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

### § 75.6 Facility and location reporting.

(a) Except where otherwise specified, all communications concerning the regulations in this Part shall be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001. Written communications may be delivered in person to the Nuclear Regulatory Commission at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738 between 7:30 a.m. and 4:15 p.m. eastern time. If a submittal deadline falls on a Saturday, Sunday, or a Federal holiday, the next Federal working day becomes the official due date.

(b) Each applicant, licensee, or certificate holder who has been given notice by the Commission in writing that its facility or location is required to report under the Safeguards Agreement shall make its initial and subsequent reports, including attachments, in an appropriate format defined in the instructions.

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(c) *Facilities*—Specific information regarding facilities is to be reported as follows:

Item	Section	Manner of delivery
Initial Inventory Report .....	75.32	As specified by printed instructions for preparation of DOE/NRC Form-742.
Inventory Change Reports .....	75.34	As specified by printed instructions for preparation of DOE/NRC Form-741 and Form-740M.
Material Status Reports .....	75.35	As specified by printed instructions for preparation of DOE/NRC Form-742, Form-742C, and Form-740M.
Special Reports .....	75.36	To the NRC Headquarters Operations Center.
Facility information .....	75.10(d)	As specified by printed instructions for Form N-71 and associated forms.
Site information .....	75.10(e)	As specified by printed instructions for preparation of DOC/NRC Form AP-A and associated forms.

(d) *Locations*—Specific information regarding locations is to be reported as follows:

Item	Section	Manner of delivery
Fuel cycle-related research and development information.	75.11(c)(1)	As specified by printed instructions for preparation of DOC/NRC Form AP-1 and associated forms.
Fuel cycle-related manufacturing and construction information.	75.11(c)(2)	As specified by printed instructions for preparation of DOC/NRC Form AP-1 and associated forms.
Mines and concentration plant information ...	75.11(c)(3)	As specified by printed instructions for preparation of DOC/NRC Form AP-1 and associated forms.
Impure source material possession information.	75.11(c)(4)	As specified by printed instructions for preparation of DOC/NRC Form AP-1 and associated forms.
Imports and exports of source material for non-nuclear end uses.	75.11(c)(5)	As specified by printed instructions for preparation of DOC/NRC Form AP-1 and associated forms.
IAEA safeguards-exempted and terminated nuclear material information.	75.11(c)(6)	As specified by printed instructions for preparation of DOC/NRC Form AP-1 and associated forms.
Imports and exports of non-nuclear material and equipment.	75.11(c)(7)	As specified by printed instructions for preparation of DOC/NRC Form AP-1 and associated forms.

[73 FR 78609, Dec. 23, 2008]

### § 75.7 Notification of IAEA safeguards.

(a) The licensee must inform the NRC:

(1) Before the licensee begins an activity that may be subject to the Safeguards Agreement; or

(2) Within 30 days of beginning an activity subject to the Additional Protocol.

(b) The Commission, by written notice, will inform the applicant, licensee, or certificate holder of those facilities subject to the application of IAEA safeguards.

(c) Such notice is effective until the Commission informs the licensee or certificate holder, in writing, that its facility or location is no longer so designated. Whenever a previously designated facility or location is no longer subject to the application of IAEA safeguards, the Commission will give the licensee or certificate holder prompt notice to that effect.

[73 FR 78609, Dec. 23, 2008]

### § 75.8 IAEA inspections.

(a) As provided in the Safeguards Agreement and Additional Protocol, inspections may be ad hoc, routine, special, or a complementary access (or a combination of the foregoing). The objectives of the IAEA inspectors in the performance of inspections are as follows:

(1) Ad hoc inspections to verify information contained in the licensee's, applicant's, or certificate holder's facility information or initial inventory report, or to identify and verify changes in the situation which have occurred after the initial inventory reporting date at any location where the initial inventory report or any inspections carried out indicate that nuclear material subject to safeguards under the Safeguards Agreement may be present;

(2) Ad hoc inspections to identify and, if possible, verify the quantity and composition of the nuclear material referred to in notifications specified